

Docket No. C 2319 PCT/US
Serial No. 10/501,623
Art Unit: 1655

Remarks

The following remarks are responsive to the October 17, 2005 Office Action.

Status of the Claims

Claims 51-52 are amended. Claims 41-60 are pending.

Requirement for Restriction

In the Action, the Examiner alleged that the claims are directed to more than one species of the generic invention and lacked unity of invention as not being linked to form a single inventive concept under PCT Rule 13.1. The Examiner restricted the species to a specific plant component or mixture selected from Claim 42, and a specific microorganism selected from Claim 52.

Claim 52 is amended to provide antecedent basis and to satisfy the unity of invention requirement. Claim 51 (from which Claim 52 depends) is amended to provide antecedent basis. In view of the foregoing, the Requirement should be withdrawn. Reconsideration and withdrawal of the Requirement is respectfully requested.

Election of Species and Claims Readable on the Species

In accordance with 37 C.F.R. § 1.143, Applicants elect with traverse the species of Claim 42. The claims readable on the species include Claims 41-51, 53-55, 57 and 59-60.

Citation of Reference

In addition, the Examiner cited U.S. Publication No. 2004/0029829 (Miyazaki) as disclosing the use of bean extract for fermenting and together with a microorganism for use in a cosmetic composition. Applicants respectfully submit that Miyazaki fails to disclose, teach, suggest or provide motivation to arrive at the invention defined by the claims.


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Petition for Extension of Time/Fee

A Petition for a One-month Extension of Time and requisite fee are enclosed. No additional fees are believed due. The Commissioner is authorized, however, to charge (or credit any balance) any fees deemed due (or owing) to Deposit Account No. 50-1177.

Respectfully submitted,

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Date


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